## Exhibit 46

Redacted Public Version

	Page 1				
1					
	UNITED STATES DISTRICT COURT				
2					
3	FOR THE NORTHERN DISTRICT OF NEW YORK				
J	-00000-				
4					
_	NIKE, INC., :				
5	Plaintiff, :				
6	Plaintiff, :				
	vs. : No. 1:22-cv-00983-VEC				
7					
	STOCKX LLC, :				
8	Defendant. :				
9	Defendant.				
	:				
10					
11	DEPOSITION OF BROCK HUBER				
12	TAKEN THROUGH				
	ADVANCED REPORTING SOLUTIONS, a Veritext company				
13					
14					
15					
16	Taken on Thursday, June 29, 2023				
17	9:30 a.m. to 12:38 p.m.				
18					
19	At HYATT CENTRIC PARK CITY				
	3551 North Escala Court				
20	Park City, Utah 84098				
21					
22					
23					
24	Demonted by Abimail D.W. Tabasaa DDD CDD CDC				
25	Reported by: Abigail D.W. Johnson, RPR, CRR, CRC				

	Page 2		Page 4
1	APPEARANCES	1	June 29, 2023 9:26 a.m.
2	For the Plaintiff:	2	PROCEEDINGS
3	or the Plaintiff:	3	-00o-
	Tamar Y. Duvdevani		
4	Marc E. Miller DLA PIPER	4	VIDEOGRAPHER: Good morning. We are going
5	1251 Avenue of the Americas	5	on the record at 9:26 a.m. on June 29th, 2023. This is
	New York, New York 10020-1104	6	the media deposition of the 30(b)(6) witness of Brock
6	Tamar.duvdevani@dlapiper.com Marc.miller@dlapiper.com	7	Huber in the matter of Nike, Inc. versus StockX, LLC.
7	(212) 335-4799	8	Case No. 1:22-cv-00983-VEC.
8	3. 4. D.C. 1.	9	This deposition is held at the Hyatt in
9	For the Defendant:	10	Park City, Utah. My name is McKayla Largin. I am the
	Christopher S. Ford	11	videographer, and Abby Johnson is the court reporter.
10	DEBEVOISE & PLIMPTON LLP 650 California Street	12	Will all counsel state who they represent
11	San Francisco, California 94108	13	for the record?
	Csford@debevoise.com	14	MS. DUVDEVANI: Good morning. Tamar
12 13	(415) 738-5705	15	Duvdevani, DLA Piper, on behalf of Plaintiff, Nike,
	For StockX:		
14	Vario Adama	16	Inc. I am joined by my partner, Mark Miller, also of
15	Kevin Adams Deputy General Counsel	17	DLA Piper.
	StockX	18	MR. FORD: Good morning. Christopher Ford,
16 17 <i>A</i>	Also Present: Makayla Largin (vidaographar)	19	Debevoise & Plimpton for StockX, LLC. I am joined by
18	Also Present: McKayla Largin (videographer) -ooOoo-	20	in-house counsel for StockX, Kevin Adams.
19		21	Thereupon
20 21		22	BROCK HUBER,
22		23	was called as a witness, and having been first duly
23		24	sworn to tell the truth, the whole truth, and nothing
24 25		25	but the truth, testified as follows:
	Page 3		Page 5
1	INDEX	1	EXAMINATION
	EXAMINATIONS PAGE	2	BY MS. DUVDEVANI:
	Examination By Ms. Duvdevani	3	Q. Good morning, Mr. Huber.
4 5	Examination By Mr. Ford95	4	A. Good morning.
6	EXHIBITS	5	Q. I'm just going to first mark the deposition
7	EXHIBIT NO. DESCRIPTION PAGE		notice that brings us all back together today.
8	Exhibit 1 Deposition Notice 5	6	
9	Exhibit 2 Worksheet printout 6	7	(Exhibit No. 1 was marked
10	Exhibit 3 Screenshot and video	8	for identification.)
11	[STX0806022 and STX0806023]	9	BY MS. DUVDEVANI:
11	Exhibit 4 Screenshot and video 81	10	Q. Mr. Huber, the court reporter has just
12	[STX0806003 and STX0806004]	11	handed you a document that's been designated as
13	Exhibit 5 Screenshot and video	12	Exhibit 1. It is Plaintiff Nike, Inc.'s Amended
	[STX0806001 and STX0806002]	13	Deposition Notice of Rule 30(b)(6) Deposition to
14		14	StockX, LLC.
	Exhibit 6 Screenshot and video	15	On page 6 and page 7, there are a list of
1 5	[STX0806015 and STX0806016]	16	deposition topics, which I can represent your counse
	Exhibit 7 Screenshot and video 97		objected to some of them.
	Exhibit 7 Screenshot and video	17	jvea vo some or mon.
16	Exhibit 7 Screenshot and video	17	Rut do you understand that you are the
16		18	But do you understand that you are the
16 17 18	[STX0805999 and STX0806000]  Exhibit 8 Place holder and video	18 19	designated witness to testify today pursuant to this
16 17 18 19	[STX0805999 and STX0806000]  Exhibit 8 Place holder and video	18 19 20	designated witness to testify today pursuant to this amended notice?
16 17 18 19 20	[STX0805999 and STX0806000]  Exhibit 8 Place holder and video	18 19 20 21	designated witness to testify today pursuant to this amended notice?  A. Yes, I do.
16 17 18 19 20 21	[STX0805999 and STX0806000]  Exhibit 8 Place holder and video	18 19 20 21 22	designated witness to testify today pursuant to this amended notice?  A. Yes, I do. Q. Okay.
15 16 17 18 19 20 21 22 23	[STX0805999 and STX0806000]  Exhibit 8 Place holder and video	18 19 20 21 22 23	designated witness to testify today pursuant to this amended notice?  A. Yes, I do. Q. Okay. MS. DUVDEVANI: This is the big
16 17 18 19 20 21	[STX0805999 and STX0806000]  Exhibit 8 Place holder and video	18 19 20 21 22	designated witness to testify today pursuant to this amended notice?  A. Yes, I do. Q. Okay.

2 (Pages 2 - 5)

1	Page 6	1	Page 8
1	THE WITNESS: It looks different printed	_	course of business at StockX. A seller was paired with
2	out.	$\frac{2}{2}$	a buyer. The buyer in this case being Roy Kim. The
3	(Exhibit No. 2 was marked	3	items were shipped from the seller to one of our
4	for identification.)	4	authentication centers, passed through our proprietary
5	BY MS. DUVDEVANI:	5	verification process and were ultimately shipped out to
6	Q. Mr. Huber, the court reporter has handed	6	this buyer.
7	you a document that has been designated as Exhibit 2.	7	Q. Okay. And you stated in connection with
8	I note that you just said it looks a little different.	8	your testimony regarding Abe Zurita is that his last
9	I assume you mean from you viewing the same documents	9	name?
10	online.	10	A. Mm-hmm.
11	A. Yes, that's right.	11	Q. That the products that appear strike
12	Q. Okay. We are certainly going to get into	12	that the order numbers associated with the products
13	details about Exhibit 2. What I'd like you to do first	13	that were shipped to Roy Kim were returned by Roy Kim;
14	and foremost, and feel free to leaf through it to make	14	is that correct?
15	sure it's everything that you recognize, is just very,	15	A. Yes. That is correct. That is our policy
16	very generally describe what Exhibit 2 is.	16	and has always been our policy. If an end buyer has an
17	A. Okay. This looks like the same document	17	issue with an order, they reach out to our customer
18	that I reviewed on a computer. It's an Excel	18	service. They suspect something they received is
19	spreadsheet. It features four tabs put together at	19	inauthentic. We will initiate a review, which
20	kind of different times, in some cases with different	20	typically starts with receiving some pictures of the
21	purposes, in response to an incident regarding one of	21	items in question. And after that photographic review,
22	our buyers, Mr. Roy Kim, who alleged to have received	22	if we continue to have doubts with the order, we will
23	some items that he suspected were inauthentic.	23	ask the buyer to send it back to us for an inspection,
24	Q. Okay. And what starting with the first	24	like the one that Abe did here.
25	tab and let me also just note for the record that	25	Q. Okay. So it's your testimony that Abe
	Page 7		Page 9
1	Exhibit 2 was designated by StockX as having a Bates	1	reinspected all of the products associated with the
2	stamp of STX0806024, even though it's not on the	2	order numbers on the first tab of Exhibit 2; is that
3	printout. That is how it was produced.	3	correct?
4	You mentioned that there are several tabs.	4	A. So so both Abe, which you can see in
5	Starting with the first tab, which I believe is just	5	Column I, reauthenticated these, as well as John Lopez,
6	the first two pages of the printout, can you generally	6	who coincidentally was out at that facility for the
	describe what this first tab of Exhibit 2 contains in	7	
8	terms of content?	8	he was there.
9	A. Yes. So this spreadsheet was primarily,	9	Q. And when you say "John Lopez," is that
10		10	
11	or at the time was managing our Tempe, Arizona,	11	A. That is Johnny
12	authentication center. And he was asked to receive and	12	Q in Column J?
13		13	A Yes.
14	buyer.	14	Q. And did Abe and Mr. Lopez reach a
15	And this initial sheet, this first tab	15	determination as to whether or not the product shipped
16	here, these first two pages, are primarily the work	16	to Roy Kim and returned that appears in Exhibit 2 were
17	product of that assignment that was given to him with a	17	authentic?
18	few exceptions.	18	MR. FORD: Objection to the form of the
19	Q. You stated products made their way to an	19	question.
20	end buyer. Was that end buyer Roy Kim?	20	THE WITNESS: They they concluded that
21	A. Yes, I believe all 33 items listed here	21	
21	A. 1 cs, 1 believe all 33 licilis listed liele	21	DIAMS DIMEDIALANT

3 (Pages 6 - 9)

23

25 authentic?

22 BY MS. DUVDEVANI:

Q. Did they conclude that these items were not

24 fit to transact on your platform because they were not

23

25

22 were items received by Roy Kim.

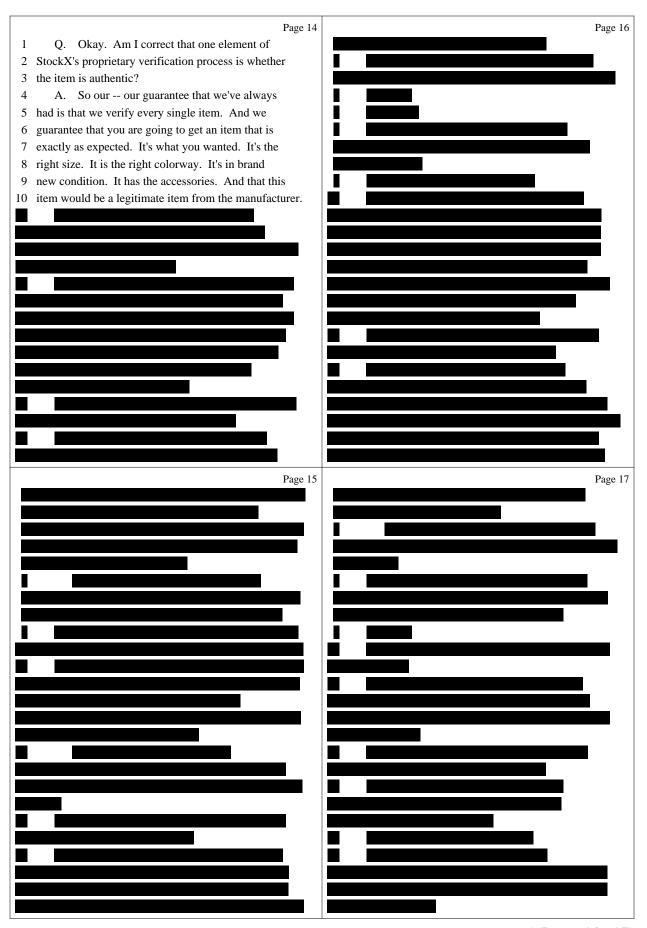
Q. Okay. And when you say "made their way to

24 Roy Kim," how did they make their way to Roy Kim?

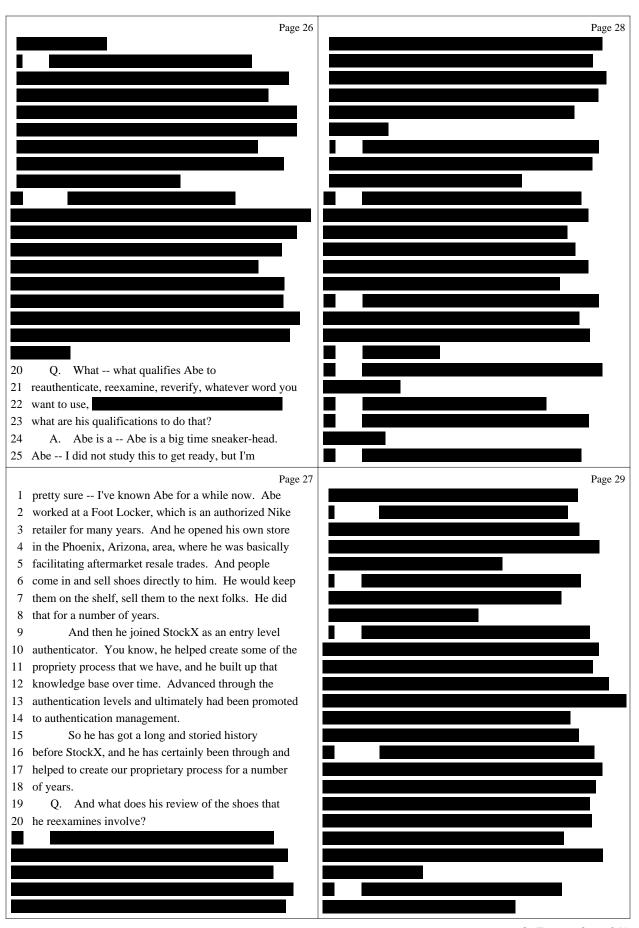
A. They made their way through the ordinary

Page 10 Page 12 1 MR. FORD: The same objection. 1 summarized, in relatively short form here, the issues 2 THE WITNESS: They concluded that they were 2 that they found upon reinspecting these items that made 3 not fit to transact because they were suspected to be 3 them come to the conclusion that these were not fit to inauthentic. transact on our platform. BY MS. DUVDEVANI: Q. I understand your testimony that your employees determined that the products were not fit to Q. Okay. Was there no definitive 7 be -- to transact on your platform. It sounds like determination by either Abe or Mr. Lopez regarding the authenticity of the products associated with the order your testimony is that StockX could not determine, one 9 numbers listed in Exhibit 2? way or another, whether or not the products were 10 MR. FORD: The same objection. 10 genuine. 11 Sorry. Go ahead. 11 Is that your testimony? 12 THE WITNESS: I would say there was a 12 MR. FORD: Objection to the form of the 13 definitive determination that they weren't fit to 13 question as to the characterization. 14 transact. But we don't make definitive legal 14 You can answer. 15 determinations as to whether something is considered 15 THE WITNESS: No. I think -- again, the 16 counterfeit or not. 16 point of our proprietary verification process is to 17 BY MS. DUVDEVANI: 17 determine if an item meets our standard, and if we want 18 Q. Putting a legal determination aside, did to have that item to be eligible to transact on the 18 19 StockX reach any conclusions upon the return of the 19 platform. products listed in Exhibit 2 as to whether or not they 20 And so upon reinspection, the determination 21 were fake? 21 was that these items did not meet our standard. 22 BY MS. DUVDEVANI: MR. FORD: Objection to the form of the 22 23 23 Q. And that StockX was suspicious that they question. 24 THE WITNESS: They -- again, we concluded 24 were fake; correct? that they were not fit to transact on our platform. We 25 MR. FORD: Objection to the form of the Page 11 Page 13 1 concluded that the buyer was entitled to a refund. And 1 question. 2 THE WITNESS: Yes, I believe both of these 2 we had some suspicions that these items could 3 potentially be inauthentic. authenticators suspected these items were not 4 BY MS. DUVDEVANI: authentic. Q. Is it your testimony that the StockX 5 BY MS. DUVDEVANI: 6 employees, who re-authenticated these products, just Q. What does the word "suspicious" mean when 7 could just not tell whether or not these products were you are using it in the context that you're testifying 8 authentic? 8 today? 9 9 A. Again, I think, you know, it's important to A. Are you asking when I say it or where it 10 always go back to the fact that this is our proprietary 10 appears in the sheet? 11 verification process, the standards that we created. 11 Are those two different definitions? 12 And so it was very definitive that these did not meet 12 Yeah, the context would be a bit different. 13 13 our standards. Okay. Let's start with your testimony. 14 Q. Was it definitive whether or not the 14 So when I say "suspicious," I mean there 15 products were genuine Nike products? 15 are some issues, some -- it could be manufacturing 16 A. I think we suspected they were inauthentic, 16 defects. It could be some issues with the color. It 17 and that made us definitively say they could not be 17 could be some issues with the material, the shape. 18 transacted on our platform. And you know, with items that are created 18 19 Q. And we'll go through them one by one, but 19 and scaled, there's going to be some variation. And so 20 generally speaking, what were your suspicions based on? 20 there may be some tells that create suspicion. And we 21 A. So with the creation of this sheet and say, "We are not sure about this. As a result, it may 22 having talked to Abe and John both, they were simply 22 not meet our standard." And we may fail it due to given instruction to review these and say, "Hey, take 23 those suspicious attributes. 24 24 another look. We are getting a return from a buyer." Q. Suspicious of what? 25 25 And I believe if we look at Column R, they Potentially being inauthentic.

4 (Pages 10 - 13)



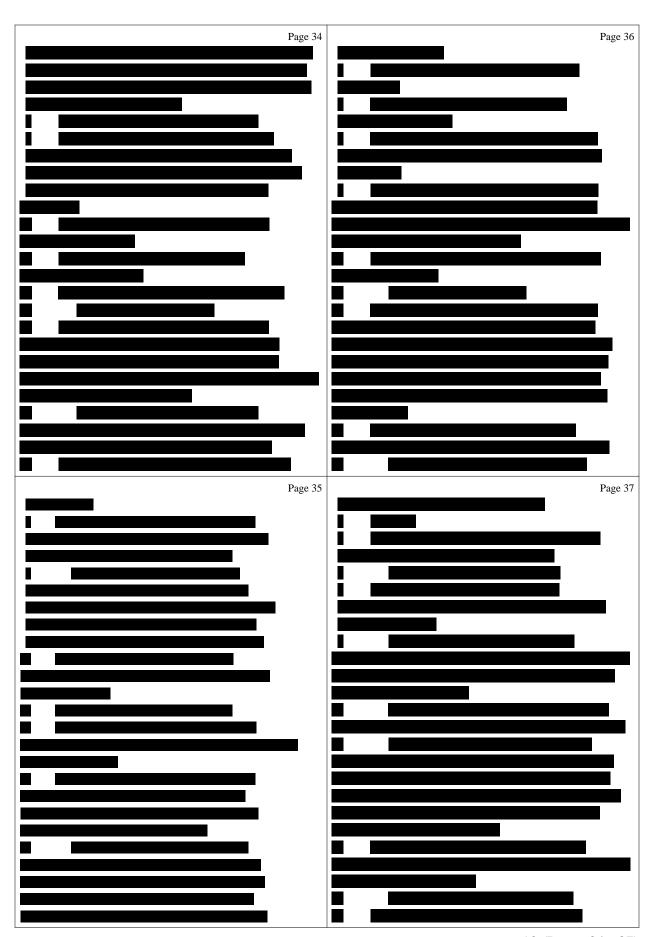
5 (Pages 14 - 17)



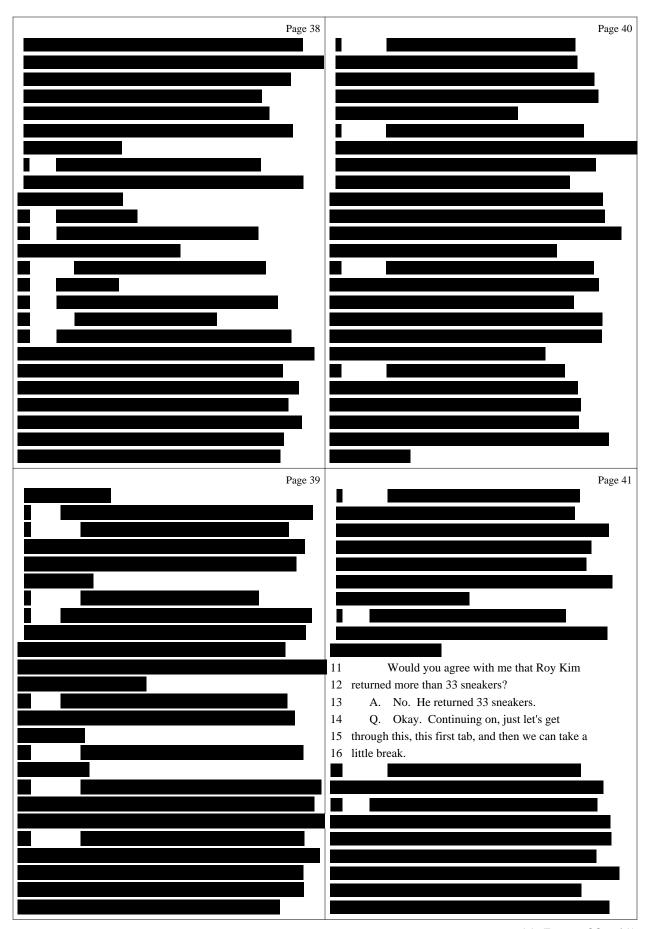
8 (Pages 26 - 29)



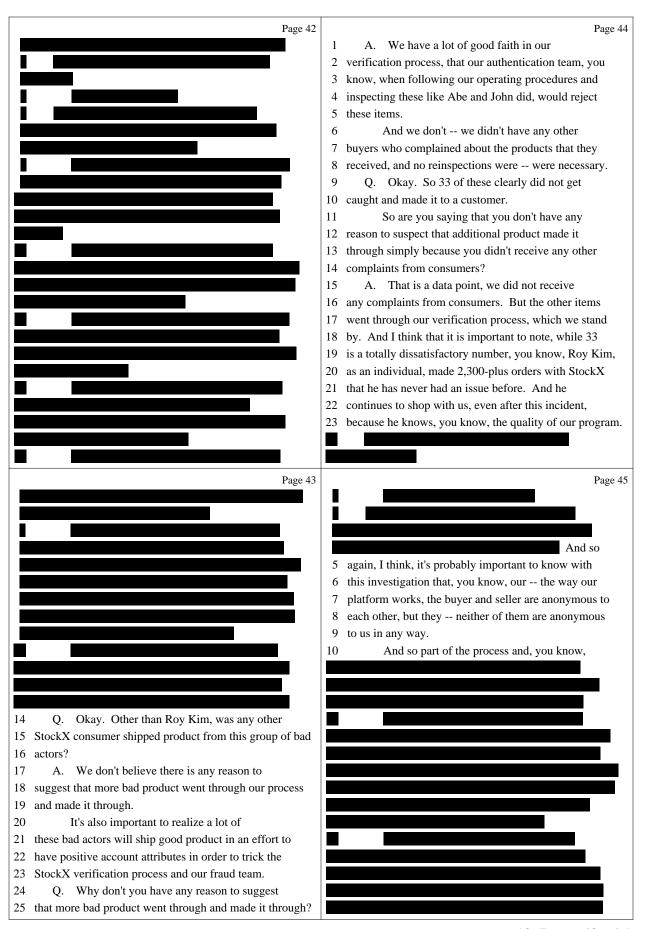
9 (Pages 30 - 33)



10 (Pages 34 - 37)



11 (Pages 38 - 41)



12 (Pages 42 - 45)

Page 46 Page 48 1 years. 2 Two years? Q. 3 A. Two years. 4 Sounds like it's a good time for a break As an authenticator? 5 As an authenticator. 5 then. 6 Ο. Do you know when he was terminated? 6 Yeah, let's do it. 7 7 I don't know the exact date, but it would Q. Okay. 8 VIDEOGRAPHER: We are off the record. The 8 have been the summer of last year. 9 time is 10:30. 9 Q. Okay. 10 (Recess was taken.) 10 A. He was the only one, like I said earlier, 11 that was terminated in connection with our Roy Kim 11 VIDEOGRAPHER: We are back on the record. 12 The time is 10:50. investigation, but about half the folks that are on 13 Counsel may proceed. this list are no longer with the company. I tried to memorize them all. It was a little too hard. And then BY MS. DUVDEVANI: 14 15 Q. Okay. What did you do to prepare for 15 Abe has been with us for five years, as I said before earlier. 16 today's deposition? 16 Q. Okay. And do you know if any of the other 17 A. I spent some time with Abe Zurita. I spent 17 authenticators, who are no longer with the company, 18 some time with John Lopez, with Mark Porteous. And 19 Jennifer from Mark Porteous' team and asked them 19 were terminated, or you don't know that? 20 A. They were not terminated in conjunction 20 questions, given their varied involvement in the 21 with this at all. I don't know the reasons for their 21 preparation of these materials, and just asked them to 22 recall what they could about the -- the time about a 22 exits. 23 Q. Do you know if they were terminated for 23 year ago. 24 Q. Okay. Did you do anything else? 24 other errors made in authentication? A. I don't know. The other thing that I 25 25 A. I prepared with the legal advisors as well. Page 47 Page 49 1 When did that preparation take place? 1 checked, this person who is still investigating, was 2 A. The last week or so. 2 ultimately deemed not to be part of the group that we 3 Q. For how long did you -- are you saying that 3 had kind of made a circle around. you met with your legal counsel to prepare for today? 4 5 A. Certainly, they guided the sessions, and they asked the questions as well where we were --6 7 MR. FORD: Just yes or no. 8 BY MS. DUVDEVANI: Q. Just yes or no. I don't want to know 10 exactly what you talked about. 11 A. Sure. Yes. 12 Q. How many sessions were there? 13 A. Four or five sessions. 14 Q. Okay. I know that this was a slightly 15 longer break than usual, did that preparation continue

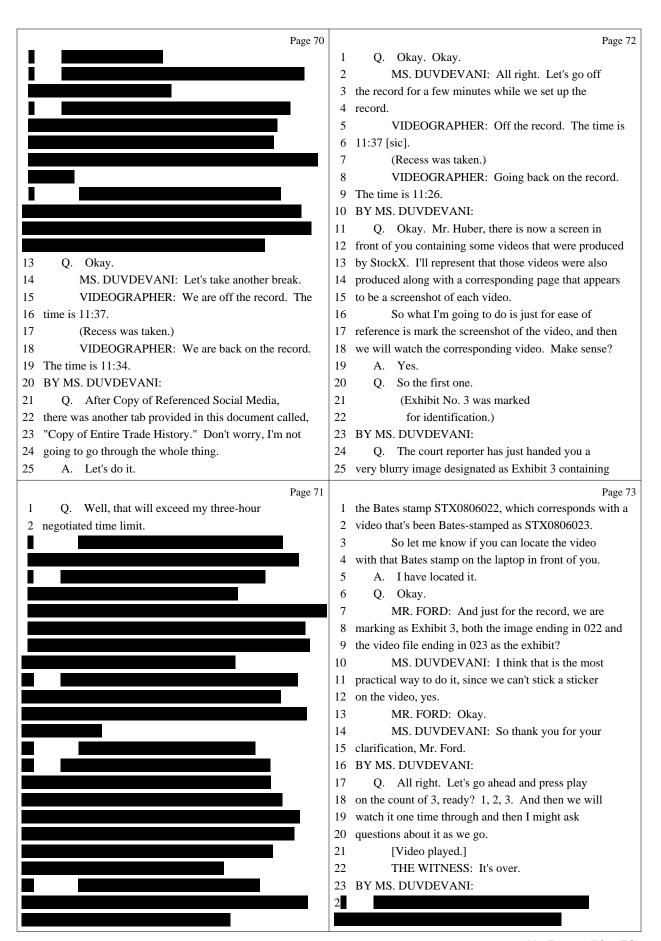
17 A. We were trying to get the answers to some of the questions you asked us to look into --18 19 Q. Okay.

20 A. -- on the break.

16 during the break just now?

- 21 Q. Okay. Were you able to?
- 22
- 23 Q. Okay. What did you find out during the
- 24 break?
- 25 Raymond Jones worked for us about two

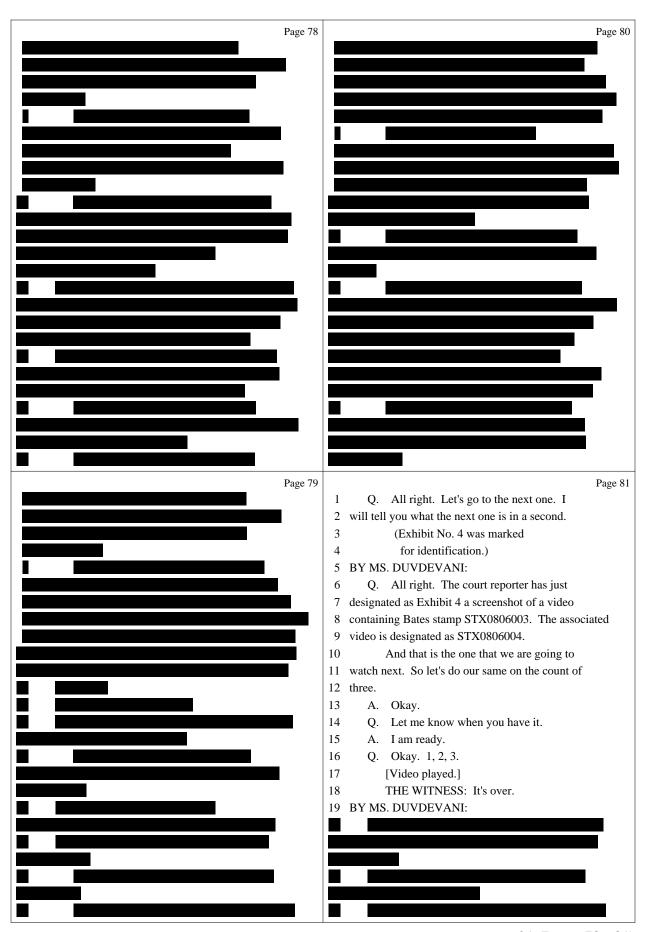
13 (Pages 46 - 49)



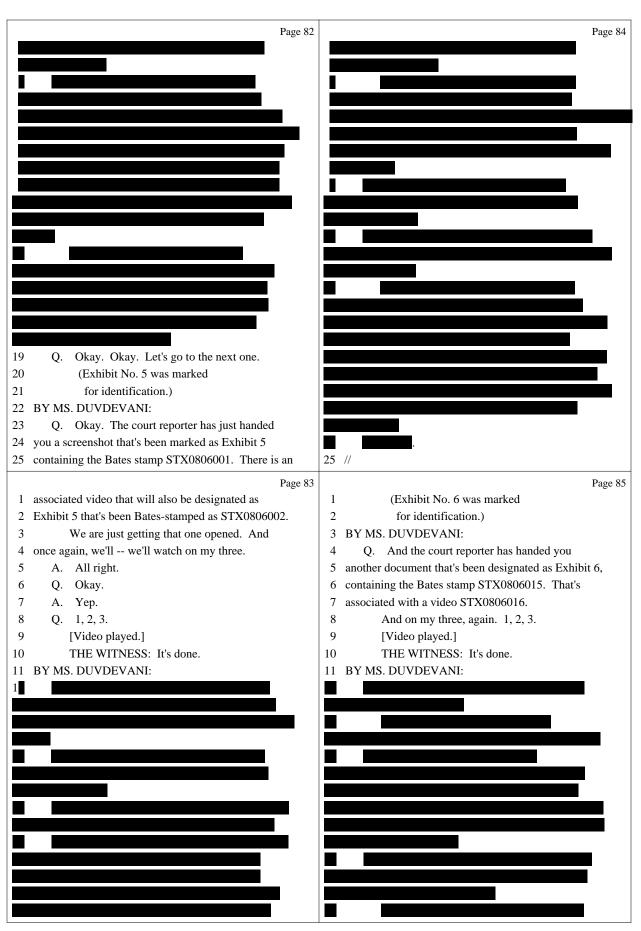
19 (Pages 70 - 73)



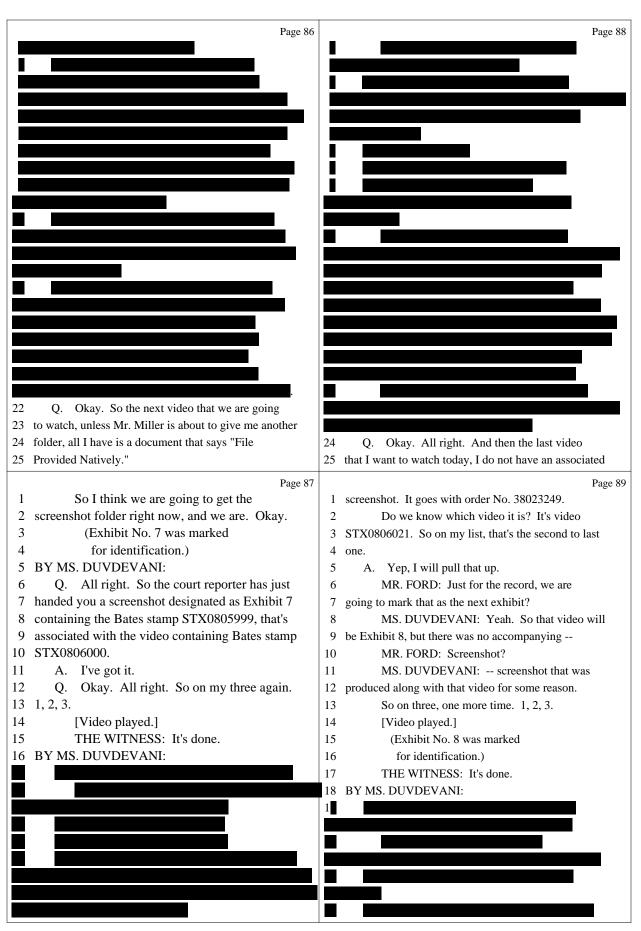
20 (Pages 74 - 77)



21 (Pages 78 - 81)



22 (Pages 82 - 85)



23 (Pages 86 - 89)

	B 00	
	Page 98	
1	REPORTER'S CERTIFICATE	
2	STATE OF UTAH )	
	)	
3	COUNTY OF SALT LAKE )	
4	I, ABIGAIL D.W. JOHNSON, a Certified	
5	Shorthand Reporter and Registered Professional	
6	Reporter, hereby certify:	
7	THAT the foregoing proceedings were	
8	taken before me at the time and place therein set	
9	forth, at which time the witness was placed under oath	
10	to tell the truth, the whole truth, and nothing but the	
11	truth; that the proceedings were taken down by me in	
12	shorthand and thereafter my notes were transcribed	
13	through computer-aided transcription; and the foregoing	
14	*	
15		
16	had, and of the whole thereof.	
17	I FURTHER CERTIFY that I am not a	
18	relative or employee of any attorney of the parties,	
19	nor do I have a financial interest in the action.	
20	() Review and signature was requested.	
21	() Review and signature was waived.	
22	(X) Review and signature was not requested.	
23	I have subscribed my name on this	
24	6th day of Jul Abjacil D. W. Johnson	
	The state of the s	
25		
	ABIGAIL D.W. JOHNSON, RPR, CRR, CRC	

26 (Page 98)